IN THE UNITED STATES DISTRICT COURT

IN THE COURT OF APPEALS

STATE OF GEORGIA

	)	Case No. 1:22-CV-2237
	)	(Related Case No.
RAISSA DJUISSI KENGNE,	)	1:22-CV-2297-SEG)
Applicant,	)	(Related Case No.
	)	1:22-CV-2263)
v.	)	
ID.ME, INC.	)	
COGENCY GLOBAL INC.	)	
250 BROWNS HILL CT,	)	
MIDLOTHIAN, VA, 23114 - 9510, USA	)	
	)	
Respondent.	)	

PLAINTIFF RAISSA DJUISSI KENGNE'S APPLICATION FOR APPELLATE REVIEW

Raissa Djuissi Kengne

Pro Se

Mailing Address:

570 Piedmont Ave. NE #55166

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APPENDIX TO RAISSA DJUISSI KENGNE'S APPLICATION FOR APPELLATE REVIEW IN COMPLIANCE WITH RULES 30 AND 31 OF THE FEDERAL RULES OF APPELLATE PROCEDURE

Exhibit 1A	2022CV365268 – COMPLAINT – Related Case
Exhibit 1B	2022CV365268 - NOTICE OF FILING – Related Case
Exhibit 2	ID.ME Email Communications
Exhibit 3	Raissa Djuissi Kengne's Georgia Department of Labor Separation Notice
Exhibit 4A	Delta Community Credit Union Foreclosure Notice
Exhibit 4B	AGSOUTH Farm Credit Foreclosure Notice
Exhibit 5	Bills Past Due
Exhibit 6	ID.ME - Motion to Proceed in Forma Pauperis Local Form
Exhibit 7	Final Report and Recommendation and Order Filed June 10th, 2022
Exhibit 8	Order For Service of Report And Recommendation Filed June 10th, 2022
Exhibit 9	9A. Plaintiff's Responses And Objections To The Final Report And Recommendation And Order Issued In Relation To Plaintiff's Original Complaint, Injunction For Relief, And Declaratory Judgment And Motion To Reconsider Plaintiff's Initial Motion To Filing In Forma Pauperis 9B. Motion For Reconsideration
Exhibit 10	ID.ME, Inc. Complaint and Request For Injunction
Exhibit 11	Affidavit

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TABLE OF CONTENT TO RAISSA DJUISSI KENGNE'S APPLICATION FOR APPELLATE REVIEW IN COMPLIANCE WITH RULES 30 AND 31 OF THE FEDERAL RULES OF APPELLATE PROCEDURE

TABLE OF CONTENT

TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now, PLAINTIFF, RAISSA DJUISSI KENGNE, Applicant, asks this Court as follows:

(1) To issue an order granting the applicant an appeal from the order of the United States District Court for the Northern District of Georgia Atlanta Division, Honorable Catherine M. Salinas, presiding, in the case styled Raissa Djuissi Kengne, Plaintiff, v. ID.Me, Inc., Defendant, Case No. 1:22-CV-2237, this order having held: that Plaintiff's complaint be DISMISSED without prejudice for lack of subject matter jurisdiction, and the case closed [and that] Plaintiff's application to proceed in IFP is DENIED. The order was entered on June 10th, 2022 and stamped "filed" on June 10th, 2022.

(2) Applicant shows that jurisdiction is properly in this Court because the courts of appeals have jurisdiction of appeals pursuant to 28 U.S. Code § 1292 - Interlocutory decisions.

(3) This application for appeal is filed within 30 days of the entry of the order, decision, or judgment complained of.

(4) Copies of all necessary documents have been attached to this application as exhibits, including a copy of the order being appealed, a copy of the motion to proceed In Forma Pauperis ("IFP"), which led directly to the order being appealed, a copy of the Motion for Reconsideration filed as response to the Court issuance of a Report and Recommendation ("R&R") and the motion to proceed in Forma Pauperis, and an index to the exhibits.

(5) Interlocutory appellate review is needed because the Court erred in its decision to deny the motion to proceed in Forma Pauperis.

(6) Applicant submits that an appeal should be granted to correct reversible errors of law based on misinterpreted information, which were not the facts presented by the Plaintiff. Applicant respectfully shows that if this Honorable Court declines the appeal of this matter and the trial

court's ruling will be permitted to stand, such would be a miscarriage of justice because Plaintiff's rights under the 14th Amendment Title 1, 42 U.S.C. § 1104 Unemployment Trust Fund, 26 U.S.C. 3301 et seq. Federal Unemployment Tax Act, and O.C.G.A. § 34-8-45 Supplemental unemployment benefits would have been violated and Plaintiff damages would not have been redressed.

I. INTRODUCTION

Applicant Raissa Djuissi Kengne ("Appellant") seeks to reverse the order denying Plaintiff's motion to proceed in Forma Pauperis attached at Exhibits 7 and 8.

Motions to proceed IFP on appeal are governed by 28 U.S.C. § 1915(a) and Federal Rule of Appellate Procedure 24. Section 1915(a) provides that any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such person possesses that the person is unable to pay such fees or give security therefor.

28 U.S.C. § 1915(a). The statute forbids a plaintiff to proceed IFP "if the trial court certifies in writing that [the action] is not taken in good faith."28 U.S.C. § 1915(a)(3). Federal Rule of Appellate Procedure 24 provides:

(1) ... [A] party to a district court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

(A) shows ... the party's inability to pay or to give security for fees and costs;

(B) claims an entitlement to redress; and

(C) states the issues that the party intends to present on appeal.

Thus, based on § 1915(a) and Rule 24, to grant a motion to proceed IFP on appeal, the moving party must submit an affidavit that demonstrates **(1) an inability to pay**, **(2) entitlement to redress**, **(3) the issues on appeal**, and **(4) good faith**.

a. Inability to Pay

When considering a motion to proceed IFP, "[t]he only determination to be made by the court ... is whether the statements in the affidavit satisfy the requirement of poverty." Martinez v. Kristi Kleaners, Inc., 364 F.3d 1305, 1307 (11th Cir. 2004). To show poverty, the Plaintiff need not show that he is "absolutely destitute." Id. Instead, the plaintiff must demonstrate that "because of his poverty, he is unable to pay for the court fees and costs, and to support and provide necessities for himself and his dependents." Id.

In this case, Plaintiff submitted her Affidavit, her "Plaintiff's Responses And Objections To The Final Report And Recommendation And Order Issued In Relation To Plaintiff's Original Complaint, Injunction For Relief, And Declaratory Judgment And Motion To Reconsider Plaintiff's Initial Motion To Filing In Forma Pauperis" as well as her Motion For Reconsideration in order to Appeal IFP. (Exhibit 9) In her Motion for Reconsideration, she reports her earned monthly income as $0.00. Plaintiff has not earned any income in the last seven and a half (7.5) months and is has received SNAP benefits starting on May 19th, 2022. Plaintiff estimates her monthly expenses to be $13,125.00 **before** her constructive discharge from BDO USA, LLP in November 18th, 2021 due to her protected status as a whistleblower (Exhibits 1A and 1B). Although Plaintiff has no income, she still has approximately the same amount of monthly expenses, which is spent on mortgage payments, utilities, home maintenance, and healthcare, among other expenses. Plaintiff is currently operating in deficit and is highly leveraged. These estimates from Plaintiff's Motion for Reconsideration demonstrate that her expenses are tremendously greater than her income. This satisfies the requirement of demonstrating an inability to pay court fees.

b. Entitlement of Redress

To proceed IFP on appeal, the moving party must also state an entitlement of redress. In this case, Plaintiff's Complaint and Request for Injunction as well as Motion for Reconsideration includes "Grant any such additional relief to Plaintiff in law or equity as the Court deems just and proper under the circumstances". In addition, Plaintiff has submitted an Affidavit that claims "I believe I am entitled to redress." Plaintiff dated and signed her Affidavit, her Complaint and Request for Injunction as well as her Motion for Reconsideration. This is sufficient to demonstrate the fulfillment of the second requirement to proceed IFP on appeal.

c. Issues on Appeal for ID.Me, Inc.

The third condition for proceeding IFP requires the moving party to clearly state the issues on appeal. Plaintiffs Motion For Reconsideration (Exhibit 9) states four (4).issues to be appealed related to:

(1) the violation of Plaintiff's rights under the 14th Amendment Section 1; If every person is afforded an opportunity to have food, shelter, and adequate healthcare, it is ensured that his or her rights to pursue happiness, life, and liberty are not violated. By delaying and preventing Plaintiff to have access to her ID.Me account, ID.Me, is wrongfully, illegally, and/or unlawful depriving Plaintiff of food, shelter, and adequate healthcare. Defendant ID.Me has violated Plaintiff's unalienable rights under the 14th Amendment Title I by delaying and preventing Plaintiff to have access to her ID.Me account; thereby, violating Plaintiff's right to Life, Liberty and the pursuit of Happiness as well as due process;

(2) the violation of 42 U.S.C. § 1104 Unemployment Trust Fund;

(3) the violation of 26 U.S.C. 3301 et seq. Federal Unemployment Tax Act; and

(4) the violation of O.C.G.A. § 34-8-45 Supplemental unemployment benefits.

These statements satisfy the third requirement.

Plaintiff re-alleges and incorporates each and every paragraph of the PLAINTIFF'S COMPLAINT AND REQUEST FOR INJUNCTION (case number 1:22-CV-2237) and the facts as if set forth here in full for all purposes.

In evaluating the legal sufficiency of a complaint for purposes of §1915(d), the courts apply the customary standard enunciated in Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct. 99, 101-102, 2 L.Ed.2d 80 (1957), that a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the Plaintiff can prove no set of facts in support of his or her claim, which would entitle him or her to relief. Plaintiff can prove the facts to support her claims and has provided evidence to support her claims.

d. Issues on Appeal for Georgia Power

The third condition for proceeding IFP requires the moving party to clearly state the issues on appeal. Plaintiff's Motion For Reconsideration (Exhibit 9) states four (4) issues to be appealed related to:

(1) Plaintiff asserts in Counts 1 through 5, taken together, that the rates that she was charged were arbitrary and/or unreasonable, due to the fact that the readings were inaccurate and therefore, the total amount on the Plaintiff's electricity bill was inaccurate;

thereby, rendering th rate charged to the Plaintiff different from the rates approved by the Public Service Commission ("PSC").

(2) Plaintiff asserts in Counts 1 through 5, taken together, that by wrongfully and/or illegally disconnecting her service without notice, Defendant Georgia Power violated Plaintiff's due process rights as mandated and protected by the 14th Amendment.

(3) The 14th Amendment also applies to Health, Safety, and Morals. The Fourteenth Amendment Rights Guaranteed Privileges And Immunities of Citizenship, Due Process And Equal Protection states that "Even under the narrowest concept of the police power as limited by substantive due process, it was generally conceded that states could exercise the power to protect the public health, safety, and morals.

(4) Plaintiff asserts in Counts 1 through 5, taken together, that Georgia Power violated Plaintiff's 14th Amendment by wrongfully and illegally disconnecting the electricity. The National Association for the Advancement of Colored People ("NAACP") recently released a report called Lights Out in the Cold, Reforming Utility Shut-Off Policies as if Human Rights Matter. Plaintiff's assertion that electricity and its related services are a basic human right and that access to electricity is a critical component to the prosperity, safety and general well-being of every human being, is supported by the NAACP research. The NAACP research report can be found at https://naacp.org/resources/lights-out-cold. Without electricity, Plaintiff is unable to have access to adequate food, health, and safety.

These statements satisfy the third requirement.

e. <u>Good Faith</u>

Finally, the fourth requirement to proceed IFP on appeal is good faith. The test for whether an appeal is taken in good faith under section 1915(a) is whether the litigant seeks appellate review of any issue that is not frivolous. Mixon v. Corizon, Inc., 2012 WL 1136331 at *2 (S.D. Ala. Mar. 30, 2012). A claim is frivolous if it is "without arguable merit either in law or fact." Bilal v. Driver, 251 F.3d 1346, 1349 (11th Cir. 2001). In this case, the issues on appeal, as listed above, are not frivolous.

To summarize, Plaintiff Raissa Djuissi Kengne has satisfied the four (4) requirements for proceeding IFP on appeal, and therefore, her Motion to Proceed in IFP (Exhibit 6) should be granted.

II. JURISDICTION AND VENUE - APPEAL

This Application for Interlocutory Appeal is brought pursuant to 28 U.S. Code § 1292;

(a) Except as provided in subsections (c) and (d) of this section, the courts of appeals shall have jurisdiction of appeals from:

(1) Interlocutory orders of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, or of the judges thereof, granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions, except where a direct review may be had in the Supreme Court;

(2) Interlocutory orders appointing receivers, or refusing orders to wind up receiverships or to take steps to accomplish the purposes thereof, such as directing sales or other disposals of property;

(3) Interlocutory decrees of such district courts or the judges thereof determining the rights and liabilities of the parties to admiralty cases in which appeals from final decrees are allowed.

(b) When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals which would have jurisdiction of an appeal of such action may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: Provided, however, That application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order.

(c) The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction-

(1) of an appeal from an interlocutory order or decree described in subsection (a) or (b) of this section in any case over which the court would have jurisdiction of an appeal under section 1295 of this title; and

(2) of an appeal from a judgment in a civil action for patent infringement which would otherwise be appealable to the United States Court of Appeals for the Federal Circuit and is final except for an accounting.

(d)

(1) When the chief judge of the Court of International Trade issues an order under the provisions of section 256(b) of this title, or when any judge of the Court of International Trade, in issuing any other interlocutory order, includes in the order a statement that a controlling question of law is involved with respect to which there is a substantial ground for difference of opinion and

that an immediate appeal from that order may materially advance the ultimate termination of the litigation, the United States Court of Appeals for the Federal Circuit may, in its discretion, permit an appeal to be taken from such order, if application is made to that Court within ten days after the entry of such order.

(2) When the chief judge of the United States Court of Federal Claims issues an order under section 798(b) of this title, or when any judge of the United States Court of Federal Claims, in issuing an interlocutory order, includes in the order a statement that a controlling question of law is involved with respect to which there is a substantial ground for difference of opinion and that an immediate appeal from that order may materially advance the ultimate termination of the litigation, the United States Court of Appeals for the Federal Circuit may, in its discretion, permit an appeal to be taken from such order, if application is made to that Court within ten days after the entry of such order.

(3) Neither the application for nor the granting of an appeal under this subsection shall stay proceedings in the Court of International Trade or in the Court of Federal Claims, as the case may be, unless a stay is ordered by a judge of the Court of International Trade or of the Court of Federal Claims or by the United States Court of Appeals for the Federal Circuit or a judge of that court.

(4)

(A) The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction of an appeal from an interlocutory order of a district court of the United States, the District Court of Guam, the District Court of the Virgin Islands, or the District Court for the Northern Mariana Islands, granting or denying, in whole or in part, a motion to transfer an action to the United States Court of Federal Claims under section 1631 of this title.

(B) When a motion to transfer an action to the Court of Federal Claims is filed in a district court, no further proceedings shall be taken in the district court until 60 days after the court has ruled upon the motion. If an appeal is taken from the district court's grant or denial of the motion, proceedings shall be further stayed until the appeal has been decided by the Court of Appeals for the Federal Circuit. The stay of proceedings in the district court shall not bar the granting of preliminary or injunctive relief, where appropriate and where expedition is reasonably necessary. However, during the period in which proceedings are stayed as provided in this subparagraph, no transfer to the Court of Federal Claims pursuant to the motion shall be carried out.

(e) The Supreme Court may prescribe rules, in accordance with section 2072 of this title, to provide for an appeal of an interlocutory decision to the courts of appeals that is not otherwise provided for under subsection (a), (b), (c), or (d).

III. JURISDICTION AND VENUE – COMPLAINT AND REQUEST FOR INJUNCTION

The Plaintiffs case against ID.ME, Inc. falls under the following U.S. Civil Statutes.

a. 42 U.S.C. § 1104 Unemployment Trust Fund

b. 26 U.S.C. 3301 et seq. Federal Unemployment Tax Act

c. O.C.G.A. § 34-8-45 Supplemental unemployment benefits

d. 14th Amendment Section 1.

This Court has subject matter jurisdiction over this case because the Plaintiff's claims arise under the laws of the State of Georgia and the United States. It has jurisdiction over the Plaintiff's state law and regulations claims because they are so closely related to the federal claims as to form part of the same case or controversy. The Northern District of Georgia consists of four (4) divisions as outlined and described in 28 U.S.C. § 90. The Atlanta Division comprises the counties of Cherokee, Clayton, Cobb, DeKalb, Douglas, Fulton, Gwinnett, Henry, Newton, and Rockdale.

Pursuant to 28 U.S. Code § 1391, a civil action may be brought in a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.

Pursuant to 28 U.S. Code § 1391, for purposes of venue in a State, which has more than one judicial district and in which a defendant that is a corporation is subject to personal jurisdiction at the time an action is commenced, such corporation shall be deemed to reside in any district in that State within which its contacts would be sufficient to subject it to personal jurisdiction if that district were a separate State, and, if there is no such district, the corporation shall be deemed to reside in the district within which it has the most significant contacts.

Pursuant to 28 U.S. Code § 1343, Civil rights and elective franchise, the Northern District Court of the State of Georgia has authority:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution

of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote;

(5) To exercise such other powers, not contrary to the Constitution, as are or may be given to such courts by law.

Venue is proper in this Court because all or a substantial part of the conduct and violations giving rise to the claims in the case occurred in the State of Georgia. See O.C.G.A § 14-2-510, O.C.G.A § 9-10-91, O.C.G.A § 9-10-93, O.C.G.A § 9-10-31, and O.C.G.A § 9-10-34.

This Court has personal jurisdiction over Defendant ID.ME, Inc. because Defendant ID.Me, Inc, through its agents committed the acts that are the subject matter of this lawsuit in the State of Georgia. See O.C.G.A § 14-2-510, O.C.G.A § 9-10-91, O.C.G.A § 9-10-93, O.C.G.A § 9-10-31, and O.C.G.A § 9-10-34.

This Court has personal jurisdiction over Defendant ID.Me, Inc. because Defendant ID.Me, Inc. and its agents and employees, have ongoing and systematic contacts with the State of Georgia, maintains headquarter offices in the State of Georgia, and reside in the State of Georgia, and have committed the acts that are the subject matter of this lawsuit in the state of Georgia.

Venue is proper in this Court because Defendant ID.Me, Inc.'s conducts substantial business in Fulton County, Atlanta, Georgia.

Plaintiff Raissa Djuissi Kengne has standing to bring this Complaint in Court because she will be adversely affected by the actions of the Defendant and will be subject to undue harm if Defendant does not allow Plaintiff to have access to her ID.Me account.

Accordingly, venue is proper pursuant to 28 U.S.C. § 90, 28 U.S. Code § 1391, 28 U.S. Code § 1343, and Georgia Civil Practice and Corporations, Partnerships, And Associations Code § 15-6-8, O.C.G.A § 14-2-510, O.C.G.A § 9-10-91, O.C.G.A § 9-10-93, O.C.G.A § 9-10-31, O.C.G.A § 9-10-34.

IV. STATEMENT OF THE CASE

a. Timeline:

Plaintiff signed up for an ID.me account on April 22nd, 2022 at Georgia DOL to receive unemployment benefits. Plaintiff was unable to create an ID.Me account and contacted ID.Me customer support on May 16th, 2022. Plaintiff received an email from ID.Me stating that "A Member Support Representative will be reaching out as soon as possible with assistance. For your records, your ticket number is 10770653." Plaintiff received additional emails from Shamora (Member Support Associate) on May 17th, 2022 and nothing since then despite several emails from Plaintiff. Plaintiff received an email from John (Member Support Associate) on May 27th, 2022 and shortly thereafter, had a video conference call with John to validate Plaintiff's identity. Plaintiff is still not able to access her account on ID.Me in order to receive unemployment benefits.

b. Facts:

Plaintiff signed up for an ID.me account on April 22nd, 2022 at Georgia DOL to receive unemployment benefits. Plaintiff was unable to create an ID.Me account and contacted ID.Me customer support on May 16th, 2022. Plaintiff received an email from ID.Me stating that "A Member Support Representative will be reaching out as soon as possible with assistance. For your records, your ticket number is 10770653." Plaintiff received additional emails from Shamora

(Member Support Associate) on May 17th, 2022 and nothing since then despite several emails from Plaintiff. Plaintiff received an email from John (Member Support Associate) on May 27th, 2022 and shortly thereafter, had a video conference call with John to validate Plaintiff's identity. Plaintiff is still not able to access her account on ID.Me in order to receive unemployment benefits.

c. Irreparable Injury:

Preventing Plaintiff's access to unemployment benefits will cause "irreparable harm" because Plaintiff will not be able to pay for housing or food. In addition, Plaintiff was constructively discharged from BDO USA, her former employment, because of retaliation after notifying her supervisor, the SEC, and the PCAOB of unethical behaviors that are in violation of SEC regulations and PCAOB standards exhibited by Wesley Freeman, Scott Meier, Peter Poppo, Paul Davidson, Mark Davenport, and Johnson Wong at the following public companies and their affiliates: Interface, Atlanticus, BioHorizons (Henry Schein's subsidiary), Otelco, BlueLinx, NMS SPAR (subsidiary of SPAR). Since Plaintiff filed a complaint with the SEC and the PCAOB, her home has been broken into. Her phones and computers have been hacked. (Case No. 2022CV365268) Also, Plaintiff has been unable to access the limited amount of money she had invested on the Gemini platform. Furthermore, the economy has not yet fully recovered and Plaintiff is dealing with a complex set of issues such as non-existent income due to being blacklisted in the industry and ongoing concerns about the pandemic.

A loss of housing or medical care and the inability to provide food, shelter and adequate childcare for a family constitute irreparable harm pending resolution of this cause of action and are not adequately compensable by an award of damages.

V. ENUMERATION OF ERRORS AND CITATION TO AUTHORITY

A. Objections, Responses, and Arguments to Statement of Analysis 1:

United Stated Magistrate Judge Catherine M. Salinas asserts in the Final Report And Recommendation And Order issued in relation to the Plaintiff's Original Complaint, Injunction For Relief, And Declaratory Judgment that "The affidavit of poverty submitted by Plaintiff indicates that over the past twelve months, Plaintiff, has earned an average monthly income of $7,500 from her employment and retirement, which amounts to $90,000 on an annual basis."

The information and interpretations presented in the Report related to the Plaintiff's financial situation are incomplete and are therefore not facts. Plaintiff's monthly income over the past seven and a half (7.5) months is $0.00.

Plaintiff did not leave her job; Plaintiff was constructively discharged. The Occupational Safety and Health Administration ("OSHA") defines Constructively Discharged as "quitting when an employer makes working conditions intolerable due to the employees' protected activity)", which Plaintiff performed as a Whistleblower and rendered a service to the community. Plaintiff has opened a complaint with OSHA.

In addition, Plaintiff has provided in Exhibit 1 herein evidence showing that her home was broken into, she was blacklisted from her industry, and prevented to find a job in line with her qualifications due to the subject matter of case number 2022CV365268 filed in Fulton County Superior Court.

Plaintiff has utilized all her retirement savings in order to pay for the security and safety of her family, which is also related to the subject matter of case number 2022CV365268 filed in

Fulton County Superior Court. Therefore, the average monthly income of $7,500 from Plaintiff's employment and retirement, does not reflect the fact that the money was used for safety and security expenses in view of the threats Plaintiff and her family were faced with. Plaintiff's priorities were and are perfectly aligned to the law of God and the thought process of any reasonable person. In view of the subject matter in case number 2022CV365268, Plaintiff's family came first and she spent a considerable amount of money to ensure their security and safety.

Further, Plaintiff has provided in Exhibits 2 and 3 herein evidence that she was not able to receive unemployment benefits since her constructive discharge on November 18th, 2022. The Plaintiff's lawsuit against ID.Me, Inc. is to allow Plaintiff to receive her unemployment benefits. The Plaintiff lawsuit against ID.ME, Inc. is documented in case file number 1:22-CV-2237.

Based on the information provided above, Plaintiff is unable to pay the legal filing fees because she does not have any income and is being blacklisted from the industry she works in.

B. Objections, Responses, and Arguments Statement of Analysis 2:

United Stated Magistrate Judge Catherine M. Salinas asserts in the Final Report And Recommendation And Order issued in relation to the Plaintiff's Original Complaint, Injunction For Relief, And Declaratory Judgment that "Before she left her most recent employment, she was earning $9,583.00 per month."

The information and interpretations presented in the Report related to the Plaintiff's financial situation are incomplete and are, therefore, not facts.

Plaintiff did not leave her job; Plaintiff was constructively discharged. The Occupational Safety and Health Administration ("OSHA") defines Constructively Discharged as "quitting when an employer makes working conditions intolerable due to the employees' protected activity)", which Plaintiff performed as a Whistleblower and rendered a service to the community. Plaintiff has filed a complaint with OSHA.

Plaintiff's monthly income over the past seven and a half (7.5) months is $0.00.

Plaintiff has utilized all her retirement savings, including her income she earned prior to being constructively discharged, in order to pay for the security and safety of her family, which is also related to the subject matter of case number 2022CV365268 filed in Fulton County Superior Court. Therefore, the average monthly income of $7,500 from Plaintiff's employment and retirement, does not reflect that the money was used for safety and security in view of the threats Plaintiff and her family were facing. Plaintiff's priorities were and are perfectly aligned to the law of God and the thought process of any reasonable person. In view of the subject matter in case number 2022CV365268, Plaintiff's family came first and she spent a considerable amount of money to ensure their security and safety.

Further, Plaintiff has provided in Exhibits 2 and 3 herein evidence showing that she was not able to receive unemployment benefits since her constructive discharge on November 18th, 2022. The Plaintiff's lawsuit against ID.Me, Inc. is to allow Plaintiff to receive her unemployment benefits.

Based on the information provided above, Plaintiff is unable to pay the legal filing fees because she does not have any income and is being blacklisted from the industry she works in.

C. <u>Objections, Responses, and Arguments Statement of Analysis 3:</u>

United Stated Magistrate Judge Catherine M. Salinas asserts in the Final Report And Recommendation And Order issued in relation to the Plaintiff's Original Complaint, Injunction For Relief, And Declaratory Judgment that Plaintiff "owns a condominium valued at approximately $500,000, a land lot worth $55,000, and an abandoned house worth approximately $200,000."

The facts presented in the Report related to the Plaintiff's financial situation are incomplete. Plaintiff's liabilities on the properties listed, particularly the condominium, the land, and the abandoned house as well as the state of pre-foreclosure on certain of the said properties were not taken into consideration by the Judge of the Magistrate Court. Plaintiff does not have significant equity in the land and the house. Due to the foreclosure process, Plaintiff may not receive any funds from the sale of those properties.

Plaintiff has provided in Exhibit 4 herein evidence showing that the said properties are at risk of foreclosure. The abandoned and inhabitable house worth approximately $200,000 is mortgaged with Delta Community Credit Union. The land lot worth approximately $55,000 is mortgaged with AGSOUTH Farm Credit, ACA. Both properties are under foreclosure notices as shown in Exhibit 4.

Plaintiff's main asset is the condominium with a value of approximately $500,000, which is Plaintiff's primary residence and is subject to a mortgage that Plaintiff is also unable to pay due to the subject matter of case number 2022CV365268 filed in Fulton County Superior Court.

In addition, Plaintiff has provided in Exhibit 2 herein evidence showing that her home was broken into, she was blacklisted from her industry, and prevented to find a job in line with her qualifications due to the subject matter of case number 2022CV365268 filed in Fulton County Superior Court.

Further, Plaintiff has provided in Exhibits 2 and 3 herein evidence showing that she was not able to receive unemployment benefits since her constructive discharge on November 18th,

2022. The Plaintiff's lawsuit against ID.Me, Inc. is to allow Plaintiff to receive her unemployment benefits.

Based on the information provided above, Plaintiff is unable to pay the legal filing fees because she does not have any income and is being blacklisted from the industry she works in.

D. Objections, Responses, and Arguments Response To Statement of Analysis 4:

United Stated Magistrate Judge Catherine M. Salinas asserts in the Final Report And Recommendation And Order issued in relation to the Plaintiff's Original Complaint, Injunction For Relief, And Declaratory Judgment that "Plaintiff's allegations of poverty are not fully supported by the record. With an annual income of approximately $90,000, Plaintiff is well above the poverty level."

The information and interpretations presented in the Report related to the Plaintiff's financial situation are incomplete and are therefore not facts. Plaintiff's monthly income over the past seven and a half (7.5) months is $0.00.

Plaintiff did not leave her job; Plaintiff was constructively discharged. The Occupational Safety and Health Administration ("OSHA") defines Constructively Discharged as "quitting when an employer makes working conditions intolerable due to the employees' protected activity)", which Plaintiff performed as a Whistleblower and rendered a service to the community. Plaintiff has filed a complaint with OSHA.

In addition, Plaintiff has provided in Exhibit 2 herein evidence showing that her home was broken into, she was blacklisted from her industry, and prevented to find a job in line with her qualifications due to the subject matter of case number 2022CV365268 filed in Fulton County Superior Court.

Plaintiff has utilized all her retirement savings in order to pay for the security and safety of her family, which is also related to the subject matter of case number 2022CV365268 filed in Fulton County Superior Court. Therefore, the average monthly income of $7,500 from Plaintiff's employment and retirement, does not reflect that the money was used for safety and security in view of the threats Plaintiff and her family were faced with. Plaintiff's priorities were and are perfectly aligned to the law of God and the thought process of any reasonable person. In view of the subject matter in case number 2022CV365268, Plaintiff's family came first and she spent a considerable amount of money to ensure their security and safety.

Further, Plaintiff has provided in Exhibits 2 and 3 herein evidence that she was not able to receive unemployment benefits since her constructive discharge on November 18th, 2022. The Plaintiff's lawsuit against ID.Me, Inc. is to allow Plaintiff to receive her unemployment benefits.

Based on the information provided above, Plaintiff is unable to pay the legal filing fees because she does not have any income and is being blacklisted from the industry she works in.

E. <u>Objections, Responses, and Arguments To Statement of Analysis 5:</u>

United Stated Magistrate Judge Catherine M. Salinas asserts in the Final Report And Recommendation And Order issued in relation to the Plaintiff's Original Complaint, Injunction For Relief, And Declaratory Judgment that "Although Plaintiff lists average monthly expenses of $13,125.00, some of the discretionary amounts for one person seem unnecessarily high, such as $1,000 for food, $200 for laundry and dry cleaning, and $6,000 in monthly credit card installment payments to Bank of America, Citi Bank, and American Express. Although Plaintiff may have limited funds and may have other priorities for those funds, I believe that she is able to pay the required $402 filing fee and should do so of she wishes to pursue this case. For the reasons stated, I find thar Plaintiff has sufficient means to pay the filing fee and incur the costs of these proceedings. Thus, Plaintiff's request to proceed IFP is DENIED."

Plaintiff $1,000 for food would include all her grocery items, including toilet paper and cleaning products, which is not uncommon in the city where Plaintiff lives.

Plaintiff's expense for laundry and dry-cleaning amounting to approximately $200 was prior to her constructive discharge on November 18th, 2022 as shown in Exhibit 3. Since then, Plaintiff has focused her efforts into ensuring the security and safety of her family. Plaintiff is now looking for justice for herself and her family.

Plaintiff's monthly income over the past seven and a half (7.5) months is $0.00.

Plaintiff did not leave her job; Plaintiff was constructively discharged. The Occupational Safety and Health Administration ("OSHA") defines Constructively Discharged as "quitting when an employer makes working conditions intolerable due to the employees' protected activity)", which Plaintiff performed as a Whistleblower and rendered a service to the community. Plaintiff has opened a complaint with OSHA. Plaintiff has filed a complaint with OSHA.

In addition, Plaintiff has provided in Exhibit 2 herein evidence showing that her home was broken into, she was blacklisted from her industry, and prevented to find a job in line with her qualifications due to the subject matter of case number 2022CV365268 filed in Fulton County Superior Court.

Plaintiff has utilized all her retirement savings in order to pay for the security and safety of her family, which is also related to the subject matter of case number 2022CV365268 filed in Fulton County Superior Court. Therefore, the average monthly income of $7,500 from Plaintiff's employment and retirement, does not reflect that the money was used for safety and security in view of the threats Plaintiff and her family were faced with. Plaintiff's priorities were and are perfectly aligned to the law of God and the thought process of any reasonable person. In view of the subject matter in case number 2022CV365268, Plaintiff's family came first and she spent a considerable amount of money to ensure their security and safety.

Further, Plaintiff has provided in Exhibit 3 herein evidence that she was not able to receive unemployment benefits since her constructive discharge on November 18th, 2022. The Plaintiff's lawsuit against ID.Me, Inc. is to allow Plaintiff to receive her unemployment benefits. Based on the information provided above, Plaintiff is unable to pay the legal filing fees because she does not have any income and is being blacklisted from the industry she works in.

F. Objections, Responses, and Arguments To Statement of Analysis 6:

United Stated Magistrate Judge Catherine M. Salinas asserts in the Final Report And Recommendation And Order issued in relation to the Plaintiff's Original Complaint, Injunction For Relief, And Declaratory Judgment that "Before she left her most recent employment, she was earning $9,583.00 per month."

The information and interpretations presented in the Report related to the Plaintiff's financial situation are incomplete and are, therefore, not facts.

Plaintiff did not leave her job; Plaintiff was constructively discharged. The Occupational Safety and Health Administration ("OSHA") defines Constructively Discharged as "quitting when an employer makes working conditions intolerable due to the employees' protected activity)", which Plaintiff performed as a Whistleblower and rendered a service to the community. Plaintiff has opened a complaint with OSHA.

Plaintiff's monthly income over the past seven and a half (7.5) months is $0.00.

Plaintiff has utilized all her retirement savings, including her income she earned prior to being constructively discharged, in order to pay for the security and safety of her family, which is also related to the subject matter of case number 2022CV365268 filed in Fulton County Superior Court. Therefore, the average monthly income of $7,500 from Plaintiff's employment and retirement, does not reflect that the money was used for safety and security in view of the threats Plaintiff and her family were facing. Plaintiff's priorities were and are perfectly aligned to the law of God and the thought process of any reasonable person. In view of the subject matter in case number 2022CV365268, Plaintiff's family came first and she spent a considerable amount of money to ensure their security and safety.

Further, Plaintiff has provided in Exhibit 3 herein evidence that she was not able to receive unemployment benefits since her constructive discharge on November 18th, 2022. The Plaintiff's lawsuit against ID.Me, Inc. is to allow Plaintiff to receive her unemployment benefits.

On December 6, 2019, the Second Circuit (Calabresi, Pooler, Park) issued a published per curiam decision in United States v. Kosic (Nunez), concerning the defendant-appellant's motion for in forma pauperis ("IFP") status in his direct criminal appeal. The appellant's motion arose from a district court order denying his IFP motion based on a finding that the appeal would be frivolous pursuant to 28 U.S.C. §1915. In its published decision, the Second Circuit granted the motion and held that it is proper to consider only the defendant's financial eligibility—and not the merits—when deciding motions for IFP status and appointment of counsel under the Criminal Justice Act ("CJA") in a direct criminal appeal.

As the Court explained, a litigant seeking IFP status on appeal generally must first seek a ruling in the district court. If the district court denies the motion and finds that an appeal cannot be taken in good faith, then the defendant may seek an IFP determination from the appellate court. When the appellate court reviews such motions, it applies different standards depending on whether the case is civil or criminal. In the civil context, the Court considers the merits of an appeal.

Plaintiff has provided in Exhibit 5 evidence showing her expenses and that she could no longer draw from her credit cards.

Plaintiff has provided herein evidence that her request to proceed in IFP was not frivolous or malicious. Based on the information and documents provided herein, Plaintiff is unable to pay the legal filing fees because she does not have any income and is being blacklisted from the industry she works in.

G. Plaintiff's Request Related To Her Motion To Proceed in Forma Pauperis

Plaintiff hereby requests that her motion to proceed in IFP be reconsidered by the Court for her case against ID.Me, Inc. (1:22-CV-2297) as well as her cases against ID.ME, Inc. (case file number 1:22-CV-2237), and AGSOUTH FARM CREDIT, ACA (case file number 1:22-CV-2263).

H. Plaintiff's Additional Filing

Plaintiff filed a corresponding Plaintiff's Motion For Reconsideration of Plaintiff's Motion to Proceed in Format Pauperis under case number 1:22-CV-2297 in June 21st, 2022 titled "OBJECTIONS to 4 Report and Recommendation" along with attachments and exhibits that were entered on 06/22/2022.

Plaintiff
Raissa Djuissi Kengne

represented by **Raissa Djuissi Kengne**
370 Piedmont Ave NE
#55166
Atlanta, GA 30308
PRO SE

V
Defendant
Georgia Power Company

Date Filed	#	Docket Text
06/09/2022	1	APPLICATION for Leave to Proceed in forma pauperis by Raissa Djuissi Kengne. (Attachments: # 1 Complaint, # 2 Notice of Filing, # 3 Civil Cover Sheet)(mmb) (Entered: 06/09/2022)
06/09/2022		Submission of 1 APPLICATION for Leave to Proceed in forma pauperis, to Magistrate Judge Catherine M. Salinas. (mmb) (Entered: 06/09/2022)
06/09/2022	2	STANDING ORDER REGARDING CIVIL LITIGATION. Signed by Judge Sarah E. Geraghty on 06/09/2022. (rsg) (Entered: 06/09/2022)
06/10/2022		Clerk's Certificate of Mailing as to Raissa Djuissi Kengne re 2 Order. (rsg) (Entered: 06/10/2022)
06/10/2022	3	COMPLAINT filed by Raissa Djuissi Kengne. (Attachments: # 1 Exhibit, # 2 Civil Cover Sheet)(rsg) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 06/10/2022)
06/10/2022	4	FINAL REPORT AND RECOMMENDATION re 3 Complaint, recommending that Plaintiff's complaint be DISMISSED without prejudice for lack of subject matter jurisdiction, and the case closed. Plaintiff's application to proceed IFP is DENIED. Signed by Magistrate Judge Catherine M. Salinas on 06/10/2022. (rsg) (Entered: 06/10/2022)
06/10/2022	5	ORDER for Service of 4 Final Report and Recommendation., Order ruling on IFP. by Magistrate Judge Catherine M. Salinas. Each party may file written objections to the Report & Recommendation within 14 days of service. If no objections are filed, the Report & Recommendation may be adopted as the opinion and order of the District Court. Signed by Magistrate Judge Catherine M. Salinas on 06/10/2022. (rsg) (Entered: 06/10/2022)
06/10/2022		Clerk's Certificate of Mailing as to Raissa Djuissi Kengne re 4 Final Report and Recommendation, 5 Order for Service of Report and Recommendation. (rsg) (Entered: 06/10/2022)
06/21/2022	6	OBJECTIONS to 4 Report and Recommendation filed by Raissa Djuissi Kengne. (Attachments: # 1 Exhibit 1A, # 2 Exhibit IFP Form, # 3 Exhibit 1B Index, # 4 Exhibit 1, # 5 Exhibit 2, # 6 Exhibit 3, # 7 Exhibit 4, # 8 Exhibit 5)(rsg) (Entered: 06/22/2022)
06/22/2022		Submission of 4 Final Report and Recommendation, to District Judge Sarah E. Geraghty. (rsg) (Entered: 06/22/2022)

VI. ARGUMENTS AND CITATIONS TO AUTHORITY

1. <u>The 14th Amendment – Title I</u>

Plaintiff re-alleges and incorporates each and every paragraph of this PLAINTIFF'S COMPLAINT AND REQUEST FOR INJUNCTION (case number 1:22-CV-2237) and the facts as if set forth here in full for all purposes.

The 14th Amendment Section 1 states that "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of **life, liberty, or property, without due process of law**; nor deny to any person within its jurisdiction the equal protection of the laws.

Plaintiff asserts in her Complaint and Request For Injunction that preventing Plaintiff's access to unemployment benefits will cause "irreparable harm" because Plaintiff will not be able to pay for her food, her mortgage, healthcare, and safety.

Plaintiff was constructively discharged from BDO USA, her former employment, because of her status as a whistleblower and the retaliatory practices she faced after notifying her supervisor, the SEC, and the PCAOB of unethical behaviors that are in violation of SEC regulations and PCAOB standards exhibited by Wesley Freeman, Scott Meier, Peter Poppo, Paul Davidson, Mark Davenport, and Johnson Wong at the following public companies and their affiliates: Interface, Atlanticus, BioHorizons (Henry Schein's subsidiary), Otelco, BlueLinx, NMS SPAR (subsidiary of SPAR).

Since Plaintiff filed a complaint with the SEC and the PCAOB, her home has been broken into. Her phones and computers have been hacked. (Case No. 2022CV365268) Also,

Plaintiff has been unable to access the limited amount of money she had invested on the Gemini platform.

Furthermore, the economy has not yet fully recovered and Plaintiff is dealing with a complex set of issues such as non-existent income due to being blacklisted in the industry as well as ongoing concerns about the pandemic.

Because of the delay and refusal to provide Plaintiff with an ID.Me account, ID.Me has contributed to Plaintiff not being able to receive income from her unemployment and has rendered more difficult the current financial hardship experienced by Plaintiff, including but not limited to the ability to pay for food, mortgage and healthcare.

A loss of housing or medical care and the inability to provide food, shelter and adequate healthcare constitute irreparable harm and are not adequately compensable by an award of damages.

If every person is afforded an opportunity to have food, shelter, and adequate healthcare, it is ensured that his or her rights to pursue happiness, life, and liberty are not violated. By delaying and preventing Plaintiff to have access to her ID.Me account, ID.Me, is wrongfully, illegally, and/or unlawful depriving Plaintiff of food, shelter, and adequate healthcare.

Defendant ID.Me has violated Plaintiff's unalienable rights under the 14th Amendment Title I by delaying and preventing Plaintiff to have access to her ID.Me account; thereby, violating Plaintiff's right to Life, Liberty and the pursuit of Happiness as well as due process.

2. <u>The 14th Amendment - Public Health, Safety, and Morals</u>

Plaintiff re-alleges and incorporates each and every paragraph of this PLAINTIFF'S COMPLAINT AND REQUEST FOR INJUNCTION (case number 1:22-CV-2237) and the facts as if set forth here in full for all purposes.

The 14th Amendment also applies to Health, Safety, and Morals. The Fourteenth Amendment Rights Guaranteed Privileges And Immunities of Citizenship, Due Process And Equal Protection states that "Even under the narrowest concept of the police power as limited by substantive due process, it was generally conceded that states could exercise the power to protect the public health, safety, and morals.

Plaintiff asserts in her Complaint and Request For Injunction that ID.Me violated Plaintiff's 14th Amendment by delaying and preventing Plaintiff's access to her ID.Me account. Food, shelter, and healthcare are basic human rights. Plaintiff asserts that access to food, shelter, and healthcare are critical component to the prosperity, safety and general well-being of every human being. Without her ID.Me account, Plaintiff is not able to pay for adequate food, healthcare, shelter, and safety.

Defendant ID.Me has violated Plaintiff's unalienable rights under the second paragraph of the American Declaration of Independence by delaying and preventing Plaintiff's access to her ID.Me account, thereby, violating Plaintiff's rights to Life, Liberty and the pursuit of Happiness, to due process, and to Health, Safety, and Morals.

3. **Claim and Prayer For Relief:**

In evaluating the legal sufficiency of a complaint for purposes of §1915(d), the courts apply the customary standard enunciated in Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct b. 99, 101-102, 2 L.Ed.2d 80 (1957), that a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the Plaintiff can prove no set of facts in support of his or her claim, which would entitle him or her to relief. Plaintiff can prove to facts to support her claims and has provided evidence to support her claims.

Plaintiff's Prayers for Relief to the Court in Plaintiff's Complaint and Request For Injunction include, but is not limited to, a Court's request to "Grant any such additional relief to Plaintiff in law or equity as the Court deems just and proper under the circumstances." Plaintiff's request includes actual and punitive damages.

VII. CONCLUSION

For the foregoing reasons, Appellant Raissa Djuissi Kengne respectfully requests that this Court answer the Appellant's Motion to Proceed in Forma Pauperis presented in the affirmative, hold that the Court erred in denying the Motion to Proceed in Forma Pauperis, and direct that the Motion to Proceed in Forma Pauperis be approved.

VIII. CERTIFICATION

Under Federal Rule of Civil Procedure 11, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Dated: July 04, 2022

Respectfully submitted,

Raissa Djuissi Kengne

Pro Se

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5th, July 2022

Jocelyn Algarin
NOTARY PUBLIC
Cobb County, GEORGIA
My Commission Expires 03/08/2026